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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding
Emergency Disaster Relief Program.

Rulemaking 18-03-011

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S
RULING NOTICING WORKSHOPS AND ORDERING WORKSHOP
STATEMENTS**

Summary

This ruling requires preliminary workshop statements and provides notice to stakeholders of upcoming workshops in Rulemaking 18-03-011, held jointly by the Governor's Office of Emergency Services (CalOES) and the California Public Utilities Commission (Commission or CPUC). The workshops address disaster response by communications providers of voice service, water and sewer services, and electric and natural gas services.

1. Background

The state of California experienced major wildfires in 2017 that gravely impacted the lives of many Californians and disrupted multiple utility services across the state. The devastation, destruction, and disruption caused by these fires necessitated swift action by this Commission to assist affected utility customers. The Commission adopted Resolutions M-4833 and M-4835, requiring electric, natural gas, communications providers of voice service, and water and sewer utilities to take specific measures to assist Californians affected by a series

of devastating wildfires in Northern and Southern California. The protections in Resolution M-4833 and M-4835 aimed to help Californians who experienced housing or financial crises due to the 2017 wildfires.

On March 22, 2018, the Commission initiated Rulemaking (R.)18-03-011, to consider whether the Commission should adopt permanent rules for post-disaster customer protections. Parties to this proceeding filed prehearing conference (PHC) statements¹ on April 30, 2018 and opening comments² on the Order Instituting Rulemaking (OIR) on May 2, 2018. A PHC was held on May 7, 2018 to discuss the issues of law and fact, to determine the need for hearing, and the schedule for resolving the matter.

On August 9, 2018, the Commission in Decision (D.) 18-08-004, affirmed the provisions of resolutions M-4833 and M-4835 as interim measures for emergency customer protection until a final disaster relief program is adopted.

¹ PHC Statements were filed on April 30, 2018, by: (1); PacifiCorp; (2) Liberty Utilities; (3) Southern California Edison Company; (4) Southern California Gas Company and San Diego Gas and Electric Company (jointly); (5) Pacific Gas and Electric Company; (6) Southwest Gas Corporation; (7) Office of Ratepayer Advocates; (8) CITA; (9) California Water Association; (10) the Utility Reform Network, Center for Accessible Technology, and National Consumer Law Center (jointly); (11) the Utility Consumer's Action Network ; (12) Bear Valley Electric Service; and (13) Consolidated Communications of California Company.

² Comments on the OIR were filed on May 2, 2018, by: (1) CTIA; (2) San Diego Gas & Electric Company; (3) California Water Association; (4) Bear Valley Electric Service; (5) Southwest Gas Corporation; (6) Pacific Gas and Electric Company; (7) the Small "LECs"; (8) Consolidated Communications of California Company; (9) the Utility Consumer's Action Network; (10) Office of Ratepayers; (11) Citizens Telecommunications Company of California, Inc., Frontier Communications of the Southwest Inc., and Frontier California Inc., (jointly); (12) Southern California Edison Company; (13) Raiser-CA, LLC; (14) California Association of Competitive Telecommunications Companies; (15) the Center for Accessible Technology, the Utility Reform Network, and National Consumer Law Center (jointly); (16) MCI MetroAccess Transmission Services; (17) Southern California Gas; and (18) AT&T.

2. Workshop Context

California experienced a record-breaking fire season this summer. These fires burned more than 820,000 acres across the state.

In Northern California, the Mendocino Complex Fire grew to more than 300,000 acres, becoming the largest fire ever recorded in California. In addition, the Carr Fire, near Mount Shasta, wreaked havoc on Shasta County and the town of Redding. The 175,000-acre Carr Fire blaze prompted nearly 40,000 evacuations and has burned more than 1,000 homes to become the sixth most destructive fire in the State's history. The Ferguson Fire near Yosemite National Park, became the largest fire in Sierra National Forest history.

In Southern California, the Holy Fire grew over 10,000 acres and prompted more than 20,000 evacuations and threatened more than 7,000 homes. The fire spilled over the Orange County line into Riverside County. The South Coast Air Quality Management District issued a smoke advisory in August for Orange County and portions of Los Angeles, Riverside, and San Bernardino counties. At least a dozen structures are damaged because of the Holy Fire.

In light of these disasters, stakeholders to R.18-03-011 are invited to participate in the workshops, discussed below.

3. Emergency Disaster Relief Workshops

3.1. Expansion of 211 Service During Emergencies

In D.11-09-016, the Commission authorized access to Californians lacking 211 service to obtain information regarding disaster preparedness, response, recovery, and referral services during emergency periods by dialing 211 (e.g., 211 emergency service). In California, 211 is operated by private non-profit community-service organizations, local government, or local affiliates of the national organization of the United Way of America.

When an individual dials 211 (free of charge to the caller), a local exchange carrier (LEC) routes the call to the authorized 211 provider in the service area of the caller.³ Even though the original purpose of 211 service was to provide a single, easily remembered number for people to call regarding community and social services, 211 service has developed beyond this purpose, as a source of safety information during emergencies. For counties and localities lacking 211 service, residents of these unserved counties and localities can, once implemented, have access to up-to-the-minute fire and disaster relief information, such as how to connect with needed community services, temporary housing, and medical assistance. By providing this information via 211, the 911 service would remain available to provide access to police, medical, and fire service to those in life-and-death situations. Parties are directed to discuss:

- i. Should the Commission consider the features of 211 emergency service in the context of this proceeding? If yes, explain the suggested role of 211 emergency service.
- ii. How could 211 providers and CalOES work collaboratively to improve the benefits of 211 service?
- iii. Explain how any coordination or outreach efforts by communications providers of voice services could make 211 emergency service more helpful to Californians.

³ The 211 service provider purchases network telephone service from the LEC that enables the provider to receive calls from those persons dialing 211. A phone call is routed by the local exchange provider(s) to the 211 center designated for the calling party's address. For example, Person A dials 211 in Oakland, the call travels to an LEC exchange, and from there the call is connected to its destination, which is the local 211 service provider's call center.

3.2. Communications Providers of Voice Services

Stakeholders to the communications providers of voice services workshop are directed to submit preliminary workshop comments discussing the following workshop items:

Actions Taken When Disaster Strikes

1. Upon the issuance of the Governor's state of emergency proclamation, communications providers of voice service shall file a Tier 1 advice letter within 15 days notifying the Commission of compliance to the emergency disaster relief program to R.18-03-011. The Tier 1 advice letter is required where utility service to the customer is disrupted or degraded. Therefore:
 - a. How should the Commission interpret and consequently, define "disruption of the delivery or receipt of utility service?"
 - b. How should the Commission interpret and consequently, define "degradation of the quality of utility service?"
 - c. Are there other emergency declarations (e.g., federal or local government proclamations) that affect utility service that the Commission should recognize?

Actions During the Disaster

2. Facilities-based wireline providers and non-facilities based resellers which provide access to 911 and emergency services:
 - a. Should CPUC allow exemptions from the emergency consumer protections for small facilities-based wireline providers and non-facilities-based resellers? If so, how should we define a small facilities-based wireline providers or a small non-facilities-based resellers? Which exemptions should be allowed?
 - b. Should CPUC adopt a duration of emergency protection measures implemented by facilities-based wireline providers

- and non-facilities-based resellers that are different from energy or water utility providers?
- c. How should facilities-based wireline providers and non-facilities-based resellers notify/educate consumers of the emergency protection measures?
 - d. Should the emergency protection measures cover all consumers in the disaster zone or only consumers affected by disaster?
 - e. Should CPUC continue to use the resolution process to provide guidance on potential changes to the California LifeLine renewal process for each disaster?
3. Facilities-based wireless providers which provide access to 911 and emergency services:
- a. Should CPUC adopt a duration of emergency protection measures implemented by facilities-based wireless providers that are different from the energy or water utility providers?
 - b. How should facilities-based wireless providers notify/educate consumers of the emergency protection measures?
 - c. Should the emergency protection measures cover all consumers in the disaster zone or only consumers affected by disaster?
 - d. How does the directive to deploy temporary cellular equipment operate within the guidelines and agreements among the facilities-based wireless providers, CUEA and CalOES?
 - e. How do the directives for providing device charging and WiFi coverage operate within the guidelines and agreements among CUEA, CalOES and relief agencies who provide evacuation centers and shelters?

4. Non-facilities based wireless LifeLine providers which provide access to 911 and emergency services:
 - a. Should the California LifeLine Program continue to make any of the CPUC's chosen emergency consumer protections for California LifeLine participants to be contingent on the federal Lifeline program adopting the same protections?
 - b. If the CPUC's emergency consumer protections were independent of the federal Lifeline program, what are the potential impacts of this policy? Should we continue to require staff to submit a draft resolution for the Commission's consideration if the federal Lifeline program does not adopt the same emergency consumer protections as the California LifeLine Program? How do we empower staff to implement our emergency consumer protections while ensuring that there remains an open, transparent, and inclusive implementation process that is consistent with the CPUC's guidance and policies? Should we consider using the administrative letter process to fast-track implementation emergency consumer protections for California LifeLine participants?
 - c. Resolutions M-4833 and M4835 adopted a delay of four months for the California LifeLine Program's renewal process, which would have enabled California LifeLine participants to keep their discounted phone services for a longer period. Should the California LifeLine Program match the same duration as the California Rates for Energy (CARE) Program with regards to delaying the renewal process? What is an appropriate duration for California LifeLine and CARE participants to keep their discounted utility services in emergency situations?
 - d. What are the operational challenges for California LifeLine telephone service providers to implement emergency

consumer protection measures? Should a California LifeLine telephone service provider use the address of record for determining impact from a disaster? How should a California LifeLine telephone service provider determine whether a disaster impacted a California LifeLine participant?

Actions Taken When Disaster Ends

5. The communications providers of voice services shall file a Tier 1 Advice letter stating:
 - a. Whether or not service has been restored;
 - b. Discuss problems, challenges, and lessons learned of implementation during the disaster; and
 - c. Suggest any modifications to the emergency disaster relief program that could be re-calibrated to achieve optimum performance.

3.3. Water and Sewer Service

Stakeholders to the water and sewer services workshop are directed to submit preliminary workshop comments discussing the following workshop topic items:

Actions Taken When Disaster Strikes

1. Trigger of Emergency Disaster Relief Program
 - a. Upon the issuance of the Governor's state of emergency proclamation, water and sewer utilities shall file a Tier 1 advice letter within 15 days notifying the Commission of compliance to the emergency disaster relief program to R.18-03-011. The Tier 1 advice letter is required where utility service to the customer is disrupted or degraded. Therefore:
 - i. How should the Commission interpret and consequently, define "disruption of the delivery or receipt of utility service?"

- ii. How should the Commission interpret and consequently, define “degradation of the quality of utility service?”
- iii. Are there other emergency declarations (e.g., federal or local government proclamations) that affect utility service that the Commission should recognize?

Actions During the Disaster

2. Emergency Disaster Relief Customer Protections and Coverage

- a. How should the Commission structure an emergency disaster relief customer protection program so that it is most beneficial to customers and in which the specific case or circumstance require?
- b. Are the protections in Resolutions M-4833 and M-4835 sufficiently inclusive? Should other measures be added?
 - i. As a default measure, should the Commission adopt all of the post-disaster customer protections promulgated by Resolutions M-4833 and M-4385?
- c. What type of catastrophic events should the Commission identify that necessitate the emergency disaster relief customer protections?
 - i. Should the catastrophes affect the quality or receipt of utility service?
- d. Should the customer protection measures be effective from the date of the Governor’s state of emergency? What is an appropriate end date or default provision the Commission should adopt?
 - i. Should customers within a disaster zone(s) have a self-identification requirement or should the utility identify those customers who have a primary residence or small business in the disaster zone be considered “covered” for

the eligibility purposes of the emergency disaster relief program?

- e. Should the Commission consider a residential customer or small commercial customer as “covered” by the emergency disaster relief customer protections if their primary residence or small business is in a disaster zone?
 - i. Should the Commission give consideration to those customers who do not necessarily live or own a small business within the disaster zone but work for a business that was affected by the disaster? If yes, what kind?
 - ii. Should the Commission give any consideration to affected customers residing outside of a disaster zone but are nevertheless, indirectly affected by the disaster? Should this include such measures as flexible payment plans?
- 3. In addition to the protections and requirements of Resolutions M-4833 and M-4385, what additional components should the Commission consider as part of a full proposal of an emergency disaster relief customer protection program for utility customers?
- 4. Cost Recovery
 - a. Currently, the Commission has directed the utilities to track emergency customer protection costs in the Emergency Customer Protections Memorandum Account or Catastrophic Event Memorandum Account.
 - i. Should the Commission require the utilities to continue to use these accounts or should another cost tracking mechanism be considered?
- 5. Lessons Learned
 - a. Discuss the challenges customers and utilities have faced during the implementation of Resolutions M-4833 and M-4385

and what modifications the Commission should consider to ease these challenges.

- b. Discuss what additions or modifications the Commission should consider from the experience learned in implementing Resolutions M-4833 and M-4385.
6. Other considerations
- a. Should the utilities file a Tier 2 advice letter with proposals of customer education and outreach to raise awareness of the emergency disaster relief customer protection program and its resources?

Actions Taken When Disaster Ends

7. The water and sewer utilities shall file a Tier 1 Advice letter stating:
- a. Whether or not service has been restored;
 - b. Discuss problems, challenges, and lessons learned of implementation during the disaster; and
 - c. Suggest any modifications to the emergency disaster relief program that could be re-calibrated to achieve optimum performance.

3.4. Electric and Natural Gas Service

Stakeholders to the electric and natural gas services workshop are directed to submit preliminary workshop comments discussing the following workshop topic items:

Actions Taken When Disaster Strikes

1. Trigger of Emergency Disaster Relief Program
- a. Upon the issuance of the Governor's state of emergency proclamation, electric and natural utilities shall file a Tier 1 advice letter within 15 days notifying the Commission of compliance to the emergency disaster relief program to R.18-03-011. The Tier 1 advice

letter is required where utility service to the customer is disrupted or degraded. Therefore:

- i. How should the Commission interpret and consequently, define “disruption of the delivery or receipt of utility service?”
- ii. How should the Commission interpret and consequently, define “degradation of the quality of utility service?”
- iii. Are there other emergency declarations (e.g., federal or local government proclamations) that affect utility service that the Commission should recognize?

Actions During the Disaster

2. Emergency Disaster Relief Customer Protections and Coverage

- a. How should the Commission structure an emergency disaster relief customer protection program so that it is most beneficial to customers and in which the specific case or circumstance require?
- b. Are the protections in Resolutions M-4833 and M-4835 sufficiently inclusive? Should other measures be added?
 - i. As a default measure, should the Commission adopt all of the post-disaster customer protections promulgated by Resolutions M-4833 and M-4385?
- c. What type of catastrophic events should the Commission identify that necessitate the emergency disaster relief customer protections?
 - i. Should the catastrophes affect the quality or receipt of utility service?
- d. Should the customer protection measures be effective from the date of the Governor’s state of emergency? What is an appropriate end date or default provision the Commission should adopt?
 - i. Should customers within a disaster zone(s) have a self-identification requirement or should the utility identify those

customers who have a primary residence or small business in the disaster zone as “covered” for the eligibility purposes of the emergency disaster relief program?

- e. Should the Commission consider a residential customer or small commercial customer as “covered” by the emergency disaster relief customer protections if their primary residence or small business is in a disaster zone?
 - i. Should the Commission give consideration to those customers who do not necessarily live or own a small business within the disaster zone but work for a business that was affected by the disaster? If yes, what kind?
 - ii. Should the Commission give any consideration to affected customers residing outside of a disaster zone but are nevertheless, indirectly affected by the disaster? Should this include such measures as flexible payment plans?
- 3. In addition to the protections and requirements of Resolutions M-4833 and M-4385, what additional components should the Commission consider as part of a full proposal of an emergency disaster relief customer protection program for utility customers?
- 4. Cost Recovery
 - a. Currently, the Commission has directed the utilities to track emergency customer protection costs in the Emergency Customer Protections Memorandum Account or Catastrophic Event Memorandum Account.
 - i. Should the Commission require the utilities to continue to use these accounts or should another cost tracking mechanism be considered?
- 5. Lessons Learned
 - a. Discuss the challenges customers and utilities have faced during the implementation of Resolutions M-4833 and M-4385 and what

modifications the Commission should consider to ease these challenges.

- b. Discuss what additions or modifications the Commission should consider from the experience learned in implementing Resolutions M-4833 and M-4385.
6. Other considerations
- a. Should the utilities file a Tier 2 advice letter with proposals of customer education and outreach to raise awareness of the emergency disaster relief customer protection program and its resources?
 - b. How should the utilities coordinate and utilize 211 service?

Actions Taken When Disaster Ends

7. The electric and natural gas utilities shall file a Tier 1 Advice letter stating:
- a. Whether or not service has been restored;
 - b. Discuss problems, challenges, and lessons learned of implementation during the disaster; and
 - c. Suggest any modifications to the emergency disaster relief program that could be re-calibrated to achieve optimum performance.

4. Workshop Schedule

A forthcoming Administrative Law Judge's ruling will identify the precise date and time for each industry workshop with an agenda for each day's workshop.

Nevertheless, the communications providers of voice service joint CalOES and CPUC workshop will be held in Sacramento on Thursday, November 1, 2018 at CalOES. The electric and natural gas joint CalOES and CPUC workshops will be held at the Commission's Los Angeles office following the communications

providers of voice service workshop. The water and sewer CalOES and CPUC workshop will be held at the Commission's San Francisco headquarters following the communications providers of voice service workshop.

IT IS RULED that:

1. Stakeholders shall submit preliminary workshop comments answering the questions presented in Section 3.1 of this ruling due October 17, 2018.
2. Stakeholders of communications providers of voice services shall submit preliminary workshop comments answering the questions presented in Section 3.2 of this ruling due October 17, 2018.
3. Stakeholders of water and sewer services shall submit preliminary workshop comments on the topics contained in Section 3.3 of this ruling due October 17, 2018.
4. Stakeholders of electric and natural gas services shall submit preliminary workshop comments on the topics contained in Section 3.4 of this ruling due October 17, 2018.
5. All other parties to this proceeding may file responses by October 24, 2018.

Dated October 1, 2018, at San Francisco, California.

/s/ MICHAEL PICKER
Michael Picker
Assigned Commissioner

/s/ COLIN RIZZO
Colin Rizzo
Administrative Law Judge